

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Bruce A. Rinehart, :
Plaintiff, :
v. : Case No. 2:07-cv-0513
Michael J. Astrue, : JUDGE MARBLEY
Commissioner of
Social Security, :
Defendant. :

ORDER

This matter is before the Court to consider de novo plaintiff's objections to a Report and Recommendation of the Magistrate Judge recommending that judgment be entered in favor of the defendant Commissioner. For the following reasons, those objections will be overruled and judgment will be entered for the defendant.

In his objections, plaintiff raises a single issue. He contends that the Commissioner did not adequately articulate the reasons for rejecting the opinion of his treating physician. Because the failure to do so requires a remand for further proceedings, see Rogers v. Comm'r of Social Security, 486 F.3d 234, 242 (6th Cir. 2007), plaintiff argues that this case must be remanded. The Commissioner has filed a response taking issue with this argument and asserting that the ALJ's decision was fully consistent with Rogers.

The Report and Recommendation dealt with this issue as follows:

The Court first concludes that the Commissioner has satisfied Rogers' rule of articulation. As

described above, the Commissioner's decision on remand did not simply describe the findings of Drs. Frazier and Auerbach without discussing why those opinions were being rejected. The Commissioner not only identified the specific bases for that rejection (i.e. that the opinions did not find adequate support in the doctors' own treatment notes and were inconsistent with other evidence of record), but also discussed in detail why the Commissioner believed that the opinions were not properly supported and why the other inconsistent evidence was more worthy of belief.

Report and Recommendation (Doc. #20) at 7-8.

The Court agrees with this conclusion. The ALJ's decision is consistent with the articulation requirement set forth in Rogers. Therefore, plaintiff's objections to the Report and Recommendation of the Magistrate Judge are OVERRULED, and the Report and Recommendation is ADOPTED. The plaintiff's statement of errors is OVERRULED, the decision of the Commissioner is AFFIRMED, and the Clerk is directed to enter judgment in favor of the defendant.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge